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OF NEW YORK, INC.**Southern District
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February 26, 2021

BY ECFHonorable Valerie E. Caproni
United States District Judge
Southern District of New York
40 Foley Square
New York, NY 10007USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 03/01/2021**Re: United States v. Mack Duodu,
20 Cr. 482 (VEC)****MEMO ENDORSED**

Dear Judge Caproni:

I write with the consent of Pretrial Services to request that the Court modify Mr. Duodu's bail conditions to allow him to work as a Lyft driver.

Mr. Duodu is compliant with the conditions of release and has been compliant since his March 18, 2020 release. The Court has several times modified Mr. Duodu's bail conditions to permit him to work: on September 18, 2020 the Court gave him permission to do construction and renovation-type work to exteriors and unoccupied interiors, and on December 10, 2020 the Court moved him from home incarceration to a curfew to facilitate his work, provide him more flexibility, and allow him to pursue additional work opportunities. Unfortunately, there has been little construction work recently given the time of year, and Mr. Duodu is falling behind on his rent.

Mr. Duodu therefore seeks to resume employment as a Lyft driver, a job he performed prior to his arrest in this matter. In order to work as a Lyft driver, Mr. Duodu needs a smartphone for navigation and to accept jobs and receive payment. But he will not have access to passenger personal or financial information.

Pretrial services consents to this application and confirms that it can install monitoring software on Mr. Duodu's smartphone if he is permitted one. The government objects, citing its concern that Mr. Duodu could use the internet to commit financial crimes if he is permitted internet access. But the government's concern is both hypothetical—there is no allegation the Mr. Duodu personally defrauded anyone over the internet and no allegation that he previously engaged in any misconduct as a Lyft driver—and also fully addressed by Pretrial monitoring of Mr. Duodu's internet usage.

Accordingly, I ask the Court to modify Mr. Duodu's bail conditions to (1) permit him to work as a Lyft driver and (2) permit him to possess and use an internet-connected smartphone, which is necessary for work as a Lyft driver, on the condition of monitoring by Pretrial Services.

Respectfully submitted,
/s/ Clay H. Kaminsky
Clay H. Kaminsky
Assistant Federal Defender
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cc: AUSA Jonathan Rebold
USPSO Ashley Cosme (by email)

Mr. Duodu's bail conditions are hereby modified as follows:

- (1) Mr. Duodu is permitted to work as a Lyft driver;
- (2) Mr. Duodu is permitted to possess and use an internet-connected smartphone, on the condition that pre-trial services first installs monitoring software.

SO ORDERED.



Date: March 1, 2021

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE